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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,911	07/25/2003	Doogong Yip	M&R 3.0-039	3475
530	7590	06/13/2005	EXAMINER	
LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090			FERGUSON, MARISSA L	
			ART UNIT	PAPER NUMBER
			2854	

DATE MAILED: 06/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/627,911	<b>Applicant(s)</b> YIP, DOOGONG	
	<b>Examiner</b> Marissa L. Ferguson	<b>Art Unit</b> 2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 01 April 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 14-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 19-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,2 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Funahashi (US Patent 3,478,682).

Regarding claim 1, Funahashi teaches a first marking structure (10) having a front surface adapted to print first ink onto an object, a rear surface and peripheral edges extending between said front and rear surfaces (Figure 3), second marking structure (10) having front surface adapted to print a second ink onto an object, rear surface and peripheral edges extending between front and rear surfaces of a second marking structure (Figure 3) and first and second marking structures being permanently assembled together so that least one said edges of said first marking structure opposes at least one of said edges of a second marking structure, wherein at least one of opposing edges has a non-porous surface for preventing migration of a first ink of a first marking structure with a second ink of a second marking structure (Column 3, Lines 20-27).

Regarding claim 2, Funahashi teaches wherein first and second marking structures comprise microporous foam (Column 2, Lines 16-20).

Regarding claim 4, Funahashi teaches a first ink that has a first color and a second ink that has a second color that is different than the first color (Abstract, Column 2, Lines 55-62 and Column 3, Lines 33-43).

2. Claims 7,9,19,21,22 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Ikura et al. (US Patent 3,988,987).

Regarding claim 7, Ikura et al. teaches a first marking structure (element 11 on left side of figure 3) having a front surface adapted to print ink (Column 2, Lines 60-66) onto an object, a rear surface and peripheral edges extending between front and rear surfaces of a first marking structure, wherein at least one of the peripheral edges of a first marking structure that has a first pattern (element 6 and Figure 3), a second marking structure (element 11 on right side of figure 3) having a front surface adapted to print ink (Column 2, Lines 60-66) onto an object, rear surface and peripheral edges extending between said front and rear surfaces of said second marking structure, wherein at least one of the peripheral edges of a second marking structure has second a pattern that matches the first pattern (element 5 and figure 3) and wherein first and second marking structures being assembled together with the first patterned peripheral edge of said first marking structure interlocking (Column 2, Lines 30-40) with the second patterned peripheral edge of said second marking structure that said first and second marking structures can be assembled together only one configuration (Figure 3).

Regarding claims 9 and 22, Ikura et al. teaches first and second marking structures comprising foam (Column 2, Lines 21-27 and Column 4, Lines 53-57).

Regarding claim 19, Ikura et al. teaches opposing edges of a first and second marking structure that are in contact with one another (Figure 3).

Regarding claim 21, Ikura et al. teaches a non-porous surface (3b-3e) is integral with one of first and second marking structures (element 11 located on left and right sides of stamp).

Regarding claim 24, Ikura et al. teaches a first marking structure (element 11 on left side of frame) and second marking structure comprising foam surfaces (Column 2, Lines 60-64) and wherein at least one foam surface of a first marking structure is in direct contact with at least one foam surface of a second marking structure (Figure 3).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Funahashi (US Patent 3,478,682) in view Fletcher et al. (US Patent 6,119,596).

Funahashi et al. teaches the claimed invention, however he does not explicitly disclose a pre-inked marking structure and a mixture of thermoplastic resin/ink.

Fletcher et al. teaches a stamp that discloses a pre-inked marking structure (Abstract) that includes a mixture of thermoplastic resin/ink (Column 1, Lines 21-26). It would have been obvious at the time the invention was made to a person having ordinary skill

in the art to modify the invention taught by Funahasi et al. to include a pre-inked marking structure with a mixture of thermoplastic resin/ink as taught by Fletcher et al., since Fletcher et al. allows the ink to escape at a controlled rate within the marking structure.

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Funahashi (US Patent 3,478,682) in view of Imamaki et al. (US Patent 6,000,335).

Funahashi teaches the invention claimed with the exception of at least one edge that is exposed to a light source. Imamaki et al. forms a non-porous surface by applying a light source heat that melts the microporous stamping member (Column 3, Lines 55-63). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention as taught by Funahashi to include a heating source as taught by Imamaki et al., since Imamaki et al. forms a non-porous surface in order to provide an impermeable portion to retain the ink within the stamping structure.

5. Claims 8 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ikura et al. (US Patent 3,988,987) in view of Funahashi (US Patent 3,478,682).

Ikura et al. teaches the claimed invention, however he does not explicitly disclose non-porous surfaces for preventing ink migration between said first and second marking structures and wherein said first marking structure carries an ink of a first color and a second marking structure that carries an ink of a second color that is different than the first color. Funahashi discloses a stamp that teaches partition plates (8) and ink absorbers and rubber blocks of different colors (Column 2, Lines 54-62). It would have

been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention as taught by Ikura et al. to include a non-porous surface and marking structures of different colors as taught by Funahashi, since Funahashi prevents the inks from mixing and assuring a perfectly clear stamping of letters of desired colors and to further provide a vivid multi-colored stamping operation.

6. Claims 10 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ikura et al. (US Patent 3,988,987) in view of Fletcher et al. (US Patent 6,119,596).

Ikura et al. teaches the claimed invention, however he does not explicitly disclose a pre-inked marking structure and a mixture of thermoplastic resin/ink. Fletcher et al. teaches a stamp that discloses a pre-inked marking structure (Abstract) that includes a mixture of thermoplastic resin/ink (Column 1, Lines 21-26). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention taught by Ikura et al. to include a pre-inked marking structure with a mixture of thermoplastic resin/ink as taught by Fletcher et al., since Fletcher et al. allows the ink to escape at a controlled rate within the marking structure.

7. Claims 12 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ikura et al. (US Patent 3,988,987) in view of Imamaki et al. (US Patent 6,000,335).

Ikura et al. teaches the invention claimed with the exception of at least one edge that is exposed to a light source. Imamaki et al. forms a non-porous surface by applying a light source heat that melts the microporous stamping member (Column 3, Lines 55-63). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention as taught by Ikura et al. to include a

heating source as taught by Imamaki et al., since Imamaki et al. teaches that is advantageous to provide a light source for properly melting the structure of the stamping member.

8. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ikura et al. (US Patent 3,988,987) in view of Funahashi (US Patent 3,478,682).

Ikura et al. teaches the claimed invention including an interlocked structure with non-porous peripheral edges, however he does not explicitly disclose one of the peripheral edges that has a non-porous and the other peripheral edge is porous surface. Funahashi teaches porous members (10) with edges and non-porous side edge members (8). It is obvious that in order to prevent migration from one marking structure to another that one edge at least has to be non-porous. It would have been obvious at the time the invention as taught by Ikura et al. to include a porous and non-porous edge as taught by Funahashi, since Funahashi teaches that it is advantageous to manufacture a low cost stamp that performs the same function.

### ***Response to Arguments***

9. Applicant's arguments filed 4/1/05 have been fully considered but they are not persuasive. Specifically in response to comments regarding "no teaching of at least one of the opposing edges", the examiner notes that as the stamp is in an assembled state in Funahashi the partition plates would function as an edge. The edge prevents the flow of ink from flowing over into the other marking structures. The partition member (8) is



made of a stainless steel material and therefore is considered to be a non-porous material.

10. In response to applicant's comments regarding claims 7 and 9, "Applicant respectfully asserts that claim 7 is unanticipated by Ikura et al. because the reference neither teaches nor suggests that the first and second marking structures can be assembled together in only one configuration." Clearly, Ikura's stamp frames can be assembled together in more than "only one configuration." However, in the broadest sense the stamp is assembled in only one configuration when the stamp is in its operational state.

Claims 7 and 9 require there to be only one configuration when the first patterned peripheral edge and the second peripheral edge are assembled together. Ikura teaches this limitation since the mating edges will hold the stamp in only one configuration.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marissa L Ferguson whose telephone number is (571) 272-2163. The examiner can normally be reached on (M-T) 6:30am-4:00pm and every other (F) 7:30am-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marissa L Ferguson  
Examiner  
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